NOTIFICATION.

No. L.D. 2310—Legis. 3-51-50, dated Bangalore, 8th March 1952.

Ordered that the Inflammable Substances Bill, 1952 (Central Bill No. 13 of 1952) published in the *Gazette of India*, Part II, Section 2, dated 23rd February 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bills were introduced in Parliament on the 14th February, 1952 :—

BILL NO. 13 OF 1952.

A Bill to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Inflammable Substances Act, 1952.

2. Definitions.—In this Act,—

(*a*) "dangerously inflammable substance" means any liquid or other substance declared to be dangerously inflammable by this Act;

(*b*) "Petroleum Act" means the Petroleum Act, 1934 (XXX of 1934).

3. Declaration of certain substances to be dangerously inflammable.—The liquids and other substances hereinafter mentioned, namely :—

(1) acetone,
(2) calcium phosphide,
(3) carbide of calcium,
(4) cinematograph films having a nitro-cellulose base,
(5) ethyl alcohol,
(6) methyl alcohol,
(7) wood naphtha,

are hereby declared to be dangerously inflammable.

4. Power to apply Petroleum Act to dangerously inflammable substances.—(1) The Central Government may, by notification in the Official Gazette, apply any or all of the provisions of the Petroleum Act and of the rules made thereunder, with such modifications as it may specify, to any dangerously inflammable substance, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of "petroleum" under that Act.

(2) The Central Government may make rules providing specially for the testing of any dangerously inflammable substance to which any of the provisions of the Petroleum Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II of that Act in order to adapt them to the special needs of such tests.

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5. Operation of certain notifications and rules.—Notifications or rules issued or purporting to have been issued under section 30 of the Petroleum Act between the 1st day of April, 1937, and the date of commencement of this Act shall be deemed to have been issued or made under this Act, and continue in force accordingly.

6. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to or on account of, any inflammable substance since the 1st day of April, 1937, and before the commencement of this Act by any officer of Government or by any person acting under his authority or otherwise in pursuance of an order of the Government in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the Petroleum Act shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

7. Repeal of Section 30, Act XXX of 1934.—Section 30 of the Petroleum Act is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

By virtue of sub-section (1) of section 30 of the Petroleum Act, 1934, the Central Government may apply, by notification, any or all of the provisions of that Act to any dangerously inflammable substance other than an explosive and thus regulate the transport, storage, production, etc., of that substance. All the provisions of the Petroleum Act have been made applicable in this manner to acetone, wood naphtha, ethyl alcohol and methyl alcohol and certain provisions to carbide of calcium, calcium phosphide and cinematograph films having a nitro-cellulose base.

It would however appear that, after the coming into force of the Government of India Act, 1935, on the 1st April, 1937, sub-section (1) of section 30 of the Petroleum Act could not be regarded as a valid provision. Unless a substance was expressly declared by "Federal law", *i.e.*, an Act of the Indian Legislature, to be dangerously inflammable with reference to Entry 32 of the Federal Legislative List, the legislative and executive power in regard to the possession, storage and transport of that substance remained by virtue of Entry 29 of the Provincial Legislative List with the Provinces, and the Centre could not exercise control over these matters simply by the issue of a notification under a pre-existing law. The position remains the same under the new Constitution, the corresponding entries being Entry 53 of the Union List and Entry 27 of the State List.

The Present Bill, therefore, seeks to introduce legislation referable to Entry 53 of the Union List, declaring certain liquids and substances as dangerously inflammable and empowering the Central Government to apply thereto all or any of the provisions of the Petroleum Act, 1934. The declaration will in the first instance be confined to the liquids and substances mentioned in paragraph 1 above, in respect of which notifications have already been issued under sub-section (1) of section 30 of the Petroleum Act. Provision is also being made in the Bill for the continuance in force of notifications and rules purporting to have been issued under section 30 of the Petroleum Act and for indemnifying all officers in respect of action taken under such notifications or rules. Section 30 of the Petroleum Act, 1934, is also to be repealed by this Bill.

NEW DELHI,
The 2nd February, 1952.

N. V. GADGIL.